

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
MAY 13 2004
CLERK, U.S. DISTRICT COURT
By _____
Deputy

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**vs.**

**TOMMY HABEEB**  
**Defendant**

*Inc.*, 477 U.S. 242, 248 (1986). Summary judgment is appropriate, however, if the non-movant "fails to make a showing sufficient to establish the existence of an element essential to that party's case." *Celotex*, 477 U.S. at 322-23.

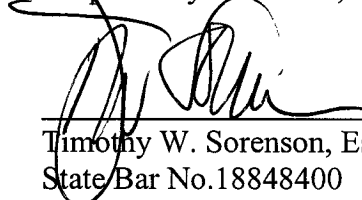
### **III. Applicable Law**

All of the matters required by Local Rule 56.5 will be set forth in the brief accompanying this motion.

### **Relief Sought**

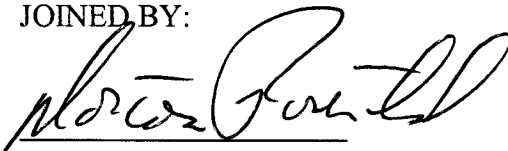
Plaintiffs request that the Court enter summary judgment permanently enjoining Defendant from pursuing the State Court Action, or any of Defendant's claims stated in the State Court Action in any other court.

Respectfully submitted,



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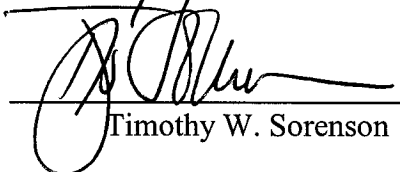
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Attorney for Plaintiff,

Goldstein/Habeb/McCalmont Entertainment, Inc.

#### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Plaintiff's Motion for Summary Judgment has been served by hand delivery or certified mail, return receipt requested, upon all counsel of record in the above-styled and numbered cause in accordance with Rule 5, Federal Rules of Civil Procedure, on this 13<sup>th</sup> day of May, 2004

  
Timothy W. Sorenson